

### REMARKS/ARGUMENTS

The Examiner rejected claims 1-5, 15-19, and 29-33 as anticipated (35 U.S.C. §102(e)) by Gabbita (U.S. Patent No. 6,349,238). Applicants traverse.

Independent claims 1, 15, and 29 concern assigning a work item for one of a plurality of nodes in a workflow to at least one of a plurality of users capable of performing workflow related operations at the nodes, and require: processing a node in a current workflow, wherein a current work item is associated with the processed node; determining users capable of being assigned the current work item; for each determined user, determining a number of work items other than the current work item assigned to the user; selecting at least one determined user based on the determined number of work items assigned to the determined users; and assigning the current work item to the at least one determined user.

The Examiner cited col. 2, lines 32-35, block 208 in FIG. 2, and col. 10, lines 27-29 as disclosing the claim requirements of determining users capable of being assigned the current work item; for each determined user, determining a number of work items other than the current work item assigned to the user; selecting at least one determined user based on the determined number of work items assigned to the determined users; and assigning the current work item to the at least one determined user. (Office Action, pg. 2) Applicants traverse.

The cited col. 2 and block 208 mention that each workflow step is assigned to a Resource (i.e., individuals, groups, computer systems) and is scheduled for completion. The workflow steps are placed within the in-boxes associated with the resources. The cited col. 10 mentions that a Resource hierarchy is defined to allocate Resources for each work step based on current work load and availability.

Although the cited cols. 2 and 10 discuss looking at “current work load and availability” to assign Resources to tasks, nowhere do these citations anywhere disclose the claim requirements of determining a number of work items other than the current work item assigned to the user. Further, nowhere do the cited cols. 2 and 10 disclose selecting one user based on the determined number of work items assigned to the users. Although the cited col. 10 mentions allocating Resources for a work step based on current work load and availability, nowhere does this cited col. 10 anywhere disclose the specific claim requirement of determining the number of work items assigned to each user capable of being assigned the work item and then selecting one user based on the number of work items assigned to the users.

Accordingly, claims 1, 15, and 29 are patentable over the cited art because the cited Gabbita does not disclose all the claim requirements.

Claims 2-5, 16-19, and 30-33 are patentable over the cited art because they depend from one of claims 1, 15, and 29, which are patentable over the cited art for the reasons discussed above. Moreover, the following dependent claims provide additional grounds of patentability over the cited art.

Claims 2, 16, and 30 depend from claims 1, 15, and 29 and further require that the determined number of work items assigned to each user includes active work items assigned to the user in workflows other than the current workflow. The Examiner cited col. 11, lines 6-9 as disclosing the additional requirements of these claims. (Office action, pg. 3) Applicants traverse.

The cited col. 11 mentions that after the workflow step has been scheduled, the steps are placed in the in-boxes associated with the assigned resource (user). The resource allocation algorithms are used with the work plans to implement these functions.

Although the cited col. 11 mentions that workflow steps are placed in the in-boxes of the user/resource assigned to the step, nowhere does this cited col. 11 anywhere disclose that the determined number of work items assigned to each user includes active work items assigned to the user in workflows other than the current workflow. In other words, nowhere does the cited col. 11 anywhere disclose that the workflow step is allocated to users based on the work items assigned to the user (Resource) in workflows other than the current workflow.

Accordingly, claims 2, 16, and 30 provide additional grounds of patentability over the cited art.

Claims 3, 17, and 30 depend from claims 2, 16, and 30 and further require that the determined number of work items further include active work items assigned to the user in the current workflow other than the current work item. The Examiner cited the same section of Gabbita cited with respect to claims 2, 16, and 30. (Office Action, pg. 3)

Applicants submit that nowhere does the cited col. 11 disclose that the determined number of work items used to select one user includes active work items assigned to the user in the current workflow. There is no disclosure or mention in the cited col. 11 of this requirement that resource allocation consider the number of active work items assigned to the user in the current workflow.

Accordingly, claims 3, 17, and 31 provide additional grounds of patentability over the cited art.

Claims 5, 19, and 33 depend from claims 1, 15, and 29 and further require that determining the number of work items assigned to each user further comprises: determining work items for which the user has exclusive access; and determining work items that are not owned by another user and that are associated with an access list that includes the user. The Examiner cited col. 6, lines 52-57 and col. 10, lines 27-29 of Gabbita as disclosing the additional requirements of these claims. (Office Action, pg. 3) Applicants traverse.

The cited col. 6 mentions that it is assumed that five groups of the company use a computer system referred to as the information system development (ISD) system. The cited col. 10 mentions that resources are allocated for each work step based on the work load and availability.

Nowhere does the cited col. 6 nor 10 anywhere disclose the claim requirement that determining the work items assigned to a user involves determining the work items for which the user has exclusive access and work items that are not owned by another user. Instead, the cited col. 6 mentions groups of a company that can access a computer system and col 10 mentions the work load is considered when allocating a resource (user) to a workflow step. There is no disclosure or mention of considering work items for which the user has exclusive access when selecting one user based on the number of work items assigned to the user.

Accordingly, claims 5, 19, and 33 provide additional grounds of patentability over the cited art.

The Examiner rejected claims 6-14, 20-28, and 34-42 as obvious (35 U.S.C. §103) over Gabbita. Applicants traverse.

First off, claims 6-14, 20-28, and 34-42 are patentable over the cited Gabbita because they depend from one of base claims 1, 15, and 29, which are patentable over the cited art for the reasons discussed above. Moreover, these claims provide additional grounds of patentability over the cited art for the following reasons.

Claims 6, 20, and 34 depend from claims 1, 15, and 29 and further require that selecting at least one determined user based on the determined number of work items assigned to the determined users further comprises: for each work item assigned to the user, determining a priority related to the work item; for each user, calculating an index based on each priority

related to each work item assigned to the user; and using the index to select one user to assign the new work item.

The Examiner cited col. 9, lines 35, 39-42, and 47-50 of Gabbita as teaching determining the priority for a work item. The cited col. 9 discusses a planned delivery date for a work plan and that the scheduling of service orders is prioritized based on their status, such as expedited and jeopardy.

The Examiner recognized that Gabbita does not disclose creating an index value for each user based on the priority of the work items assigned to the user, but found it would have been obvious to modify Gabbita to consider the priority of work items assigned to a user because one skilled in the art would have been motivated to make this change for allocating resources based on the user's workload. (Office Action, pgs. 4-5) Applicants traverse.

Nowhere does the cited Gabbita anywhere teach or suggest considering the work items assigned to each user when selecting a user for the work item. Gabbita mentions considering the workload when allocating a workflow step to the resource, but nowhere teaches or suggests the specific claimed operations for calculating an index for each user based on priority related to each work item assigned to the user.

Although one may be motivated to modify Gabbita's technique for assigning tasks based on workload, there are many ways one may make such modifications and Gabbita nowhere suggests or mentions the specific claimed technique for assigning work items, which involves determining the priority of the work items assigned to the user and then calculating an index based on the priority of each work item. The cited Gabbita nowhere teaches, suggest or mentions the specific claimed technique for using an index based on the priority of work items assigned to the users.

Accordingly, claims 6, 20, and 34 provide additional grounds of patentability over the cited art because their additional requirements are not taught or suggested in the cited Gabbita.

Claims 7-14, 21-28, and 35-42 depend from intervening claims 6, 20, and 34 and provide further requirements on the use of priority. Applicants submit that these dependent claims provide further grounds of patentability over the cited art because the cited Gabbita nowhere teaches or suggests using the priority of work items assigned to a user when selecting one user to assign to the current work item.

Conclusion

For all the above reasons, Applicant submits that the pending claims 1-42 are patentable over the art of record. Applicants have not added any claims. Nonetheless, should any additional fees be required, please charge Deposit Account No. 09-0460.

The attorney of record invites the Examiner to contact him at (310) 553-7977 if the Examiner believes such contact would advance the prosecution of the case.

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By: 

David W. Victor  
Registration No. 39,867

Please direct all correspondences to:

David Victor  
Konrad Raynes & Victor, LLP  
315 South Beverly Drive, Ste. 210  
Beverly Hills, CA 90212  
Tel: 310-553-7977  
Fax: 310-556-7984